

## PUBLIC NOTICE

PUERTO RICO DEPARTMENT OF NATURAL AND  
ENVIRONMENTAL RESOURCES, NATIONAL PARK SERVICE, UNITED STATES  
DEPARTMENT OF THE INTERIOR, AND  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,  
UNITED STATES DEPARTMENT OF COMMERCE

NOTICE OF AVAILABILITY AND REQUEST FOR COMMENTS  
ON A DRAFT RESTORATION PLAN FOR NATURAL RESOURCE AND HUMAN  
USE/RECREATIONAL LOSSES  
FROM THE JANUARY 7, 1994 SAN JUAN, PUERTO RICO OIL SPILL

### NOTICE OF PUBLIC HEARING AND PUBLIC MEETING

Pursuant to 33 U.S.C. 2706(c)(5) and 15 C. F.R. 990.55, notice is hereby given that a document entitled "Draft Restoration Plan/Environmental Assessment for the Morris J. Berman Oil Spill, San Juan, Puerto Rico" (Draft RP/EA) is available for public review and comment at the San Juan Historic Site (SAJU). This document was prepared by the Puerto Rico Department of Natural and Environmental Resources, the National Park Service on behalf of the U.S. Department of the Interior and the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce (collectively, the 'Trustees') to address the lost natural resource and recreational use of natural resources which resulted from the discharge of oil into the waters of the Caribbean Sea and San Juan Harbor following the grounding of a towed barge vessel on January 7, 1994 (the 'Incident'). In addition to causing direct injury to a number of natural resources from the grounding, the spill disrupted the recreational use of area shorelines and historic resources. This Draft RP/EA presents the restoration plan which the Trustees are proposing for use to address these lost natural resources and recreational services. Restoration actions which are finally approved following the public review and comment period announced today will be implemented using funds that the Trustees recovered for these losses as part of a settlement of federal and state claims arising from the spill.

Before dawn on January 7, 1994, the Morris J. Berman—a 302-foot-long by 90-foot-wide barge loaded with 1.5 million gallons of no. 6 fuel oil—drifted aground near San Juan, Puerto Rico, after its tow line from the tug Emily S. broke. The barge grounded on a reef near Punta Escambrón. The grounding ruptured seven of the barge's nine holding tanks and resulted in the release and discharge of approximately 800,000 gallons of fuel oil into nearshore waters, including those adjacent to the San Juan National Historic Site (SAJU).

A settlement agreement reached on December 28, 2000, among the federal government, the Commonwealth of Puerto Rico, and the parties responsible for the spill, resolved the Trustees' claims for natural resource damages against the responsible parties. Under that settlement, the Trustees received \$ 9,479,003.00 in compensation for the injured natural resources and lost use or service of these resources. These funds are being held in a federal treasury account administered by the U.S. Department of the Interior pending the development of a restoration plan appropriate to address these losses. By law, these funds must be used to plan and implement actions to

restore, replace, rehabilitate or acquire resources or resource services comparable to those lost.

The Trustees jointly developed the Draft RP/EA - pursuant to the Oil Pollution Act of 1990, 33 U.S.C. 2701 et seq., and natural resource damage assessment regulations promulgated thereunder at 15 C.F.R. 990. The Draft RP/EA summarizes the incident, the natural resource losses, and identifies the restoration actions which are preferred for use by the Trustees to address those losses. The Draft RP/EA proposes to implement one or more of the following types of restoration actions to address the natural resource injuries and interim losses which occurred: (1) replace shallow water habitat through creation of artificial reef modules, (2) protect mangrove and other habitat through property acquisition, (3) acquire shoreline or beachfront habitat, (4) construct an extension of the coastal promenade to provide new and unique exterior views of the El Morro historic site, (5) restore the historic floating battery, and (6) resurface the existing Coastal Promenade with non-slip surfacing. The document sets forth all the alternatives considered and the basis for preferring the restoration alternatives proposed. The document also lists the candidate projects or actions which the Trustees have identified under each of the preferred alternatives from which specific projects would be selected for implementation, consistent with the proposed restoration plan.

It is particularly advised that the proposed activity can affect a number of small businesses and, therefore, pursuant to Law No. 454 of December 28, 2000, we hereby notify the Solicitor of Small Businesses.

A one (1) hour public meeting followed by a public hearing related to this action will be held on the following dates and at the indicated times and locations:

<u>Date</u>	<u>Time</u>	<u>Location</u>
<b>August 8, 2006</b>	<b>6:00 p.m.</b>	<b>Pabellón Comercial Rafael Hernández Colón calle Méndez Vigo, no. 349, 3er piso Salón de Legislatura Municipal Dorado, PR 00646</b>
<b>August 9, 2006</b>	<b>6:00 p.m.</b>	<b>Fort San Cristobal San Juan NHS 501 Norzagaray Street Old San Juan, Puerto Rico 00901</b>

Any person who wishes to comment on the Draft RP/EA should attend the public hearing or submit written comments within 60 days of the date of publication of this notice. Comments on the proposed plan are to be submitted in writing to the San Juan National Historic Site at 501 Norzagaray Street, Old San Juan, Puerto Rico 00901/fax: 787-289-7972. Comments may also be submitted electronically to the following e-mail address: [Berman.Comments@noaa.gov](mailto:Berman.Comments@noaa.gov). All written comments received within the comment period will be considered by the Trustees prior to adopting the final restoration plan for the public's lost recreational use of natural resources.

Field Code Changed

Copies of the proposed plan will be available at the Public Meetings and Public Hearings or may be requested from the San Juan National Historic Site at 501 Norzagaray Street, Old San Juan, Puerto Rico 00901/ phone: 787-729-6777. Electronic copies can be downloaded from the following web-site: <http://www.darrp.noaa.gov/berman/>